

# SENATE BILL No. 105

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-2-17.

**Synopsis:** Public hearing. Requires a public hearing when a proposed project to construct or improve a state highway will restrict access to at least one business for at least five consecutive business days.

**Effective:** July 1, 2010.

**Paul**

January 5, 2010, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

C  
o  
p  
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 105

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-23-2-17 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) As used in this  
3 section, "public hearing" means an assembly or a meeting by the  
4 department for the purpose of:

5 (1) providing information early in the process of making decisions  
6 affecting proposed highway or bridge construction or  
7 improvement projects on a county arterial highway system or the  
8 state highway system so that the public can have an impact on the  
9 decision outcome, including a meeting in which the public is  
10 provided information, opportunity for review and comment, and  
11 an accounting for the rationale for a proposed project; or

12 (2) complying with 23 U.S.C. 128 and 49 U.S.C. 1602(d)  
13 requirements in considering economic, social, environmental, and  
14 other effects of highway projects and proposals.

15 **(b) Except as provided in subsection (c), the department may**  
16 **conduct a public hearing for the purposes described in subsection**  
17 **(a)(1).**



C  
o  
p  
y

1       (c) A public hearing for the purposes described in subsection  
2       (a)(1) must be held when a proposed project to construct or  
3       improve a state highway will restrict access to at least one (1)  
4       business for at least five (5) consecutive business days. Notice of the  
5       public hearing must be given at least fourteen (14) days before the  
6       public hearing in accordance with IC 5-14-1.5-5.

7       ~~(b)~~ (d) Whenever the department holds a public hearing, the  
8       department shall allow any person an opportunity to be heard in the  
9       presence of others who are present to testify and in accordance with  
10      subsection ~~(c)~~ (e).

11      ~~(c)~~ (e) The department, through the commissioner or the  
12      commissioner's designee, may limit testimony at a public hearing to a  
13      reasonable time stated at the opening of the public hearing.

C  
o  
p  
y

